

Notice of Allowability

Application No.

10/672,039

Examiner

Shaima Q. Aminzay

Applicant(s)

TAYLOE ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 27, 2006.
2. ☒ The allowed claim(s) is/are 8-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

The applicant filed amendment on March 27, 2006 in response to the office action mailed February 24, 2006, canceling the rejected claims 1-7, 16-37, and amendment to claim 8 meets the "Claim Objections", therefore, puts the application in conditions for allowance.

1. Claims 8-15 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reason for allowance:

The prior art specifically Butovitsch (Butovitsch et al., US Patent No. 6,259,927), Higuchi (Higuchi et al., US Patent No. 6,967,987), and Shinde (Shinde, US Publication No. 2004/0174,926) are failed to render obviousness in combination or individually and failed to anticipate individually the following underlined limitations:

"In a mobile communication system, a power reduction method for coupling a base station to a mobile unit, the power reduction method comprising the steps

of: detecting consecutive frame erasures (FERs) on a link coupling the base station to the mobile unit, wherein if a consecutive frame erasure is detected, there is further included a step of incrementing a consecutive frame erasure counter; determining whether the base station is in a soft handoff condition with the mobile unit; and when N consecutive frame erasures (FERs) have been detected, clamping a power of transmission on the link to a particular level; and determining whether the consecutive frame erasure counter is equal to an allowable consecutive frame erasure (N), wherein if a consecutive frame erasure counter equals the allowable consecutive frame erasure (N), then there is further included steps of: resetting a consecutive good frames counter; setting a gain ratio to a clamped gain ratio; and ignoring by the base station power control bits transmitted by the mobile unit" as disclosed in independent claim 8.

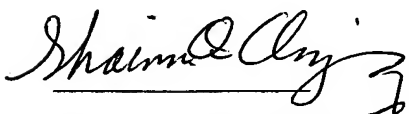
For these reasons, independent claim 8 is allowed. Claims 9-15 are depend on the independent claim 8, therefore, the dependent claims 9-15 are allowed under the same reasons set forth in claim 8.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay
(Examiner)

April 9, 2006



NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay A. Maung
(SPE)